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Chair

Mr. Kevin Sorenson

Standing Committee on Public Safety and National Security

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•(1630)

[English]

The Chair (Mr. Kevin Sorenson): Good afternoon, everyone. We're in the second hour today, on Tuesday, June 19, 2012, of the Standing Committee on Public Safety and National Security.

We have appearing before us the honourable Vic Toews, Minister of Public Safety and National Security. The minister has agreed to appear to assist us with the proposed firearm information regulations concerning non-registered firearms. This was referred to this committee on Wednesday, June 13, 2012.

Our committee very much appreciates having the minister appear. It seems as if he's here almost every week. We appreciate it, and we place a high value on our colleagues' willingness to respond to the request for the minister's assistance in our deliberations.

Minister, I would invite you to make your opening statements. Then we would move into our first round of questions. We're here for one hour. We're in public.

Welcome.

Hon. Vic Toews (Minister of Public Safety): Thank you, Mr. Chair, and I'm very pleased to appear before you and committee members to discuss new proposed regulations pursuant to the Firearms Act.

Our government is once again standing up for law abiding Canadians, such as farmers, hunters, and sports shooters. We are standing up for rural, northern, and remote Canadians who use shotguns and rifles as tools in their day-to-day lives. But Mr. Chair, most of all, we are standing up for Canadians who do not believe that the state has a right to needlessly interfere with the private property of law-abiding Canadians.

The long-gun registry was a wasteful and ineffective creation. Mr. Chair, I'm very proud to note that our government's legislation to eliminate the federal long-gun registry came into force at the beginning of April. The Ending the Long-gun Registry Act not only repeals a requirement for individuals and businesses to register their non-restricted firearms but also requires the Commissioner of Firearms, and the chief firearms officer for each province, to ensure the destruction of all records and copies of those records under their control.

The regulations that are now before you will help to ensure that the will of Parliament to eliminate the federal long-gun registry is fully respected. Canadians gave our government a strong mandate to end the wasteful long-gun registry, and Canadians will not tolerate

an end run around the law. Nor will many Canadians or the government tolerate the recreation, under federal authority, of anything that resembles the wasteful and ineffective federal long-gun registry, which only created hassles and red tape for hunters rather than improve public safety.

The regulations we have introduced will ensure that the federal long-gun registry remains in the past, where it belongs. Members of this committee will know that despite a clear direction from Parliament to put an end to the registration of long guns, CFOs, or chief firearms officers, in some jurisdictions have continued to require that businesses collect and store point-of-sale information concerning long guns. In particular, Ontario's CFO is requiring businesses to record a buyer's name, licence information, and the details of the firearm being purchased. This is contrary to the spirit and intent of C-19 to eliminate the federal long-gun registry, which received royal assent on April 5.

To reinforce our government's position on this matter, I wrote a letter to the RCMP commissioner and to all chief firearms officers on May 8 affirming that the Firearms Act does not authorize any measures that would facilitate the establishment of a provincial long-gun registry. I further directed that neither the Canadian firearms program nor the RCMP are to assist a province seeking to establish a long-gun registry in any way. At that time, I also made clear my willingness to consider all necessary legislative and regulatory measures.

Despite this attempt to clarify what is permitted under the law, Ontario's CFO continues to be of the view that it is his prerogative to require that businesses keep point-of-sale records.

Moreover, Ontario Premier Dalton McGuinty, despite knowing the clear will of Parliament, as expressed through Bill C-19, has publicly stated that it will be up to the federal government to make it clear that businesses are not required to maintain registration-type records. This is what the proposed regulations our government has introduced will accomplish.

The regulations before you today make clear that businesses would not be required, as a condition of a licence, to collect or retain information regarding the transfer or purchase of a non-restricted firearm. While businesses may choose to keep point-of-sale records for their own purposes, such as inventory or warranty, they cannot be required, as a condition of their business licences, to keep records that link the long gun to a specific owner.

The regulations our government has proposed pursuant to the Firearms Act will remove any ambiguity with respect to the creation of a federal registry by the back door.

Our position on the long-gun registry is quite clear. It does nothing to help put an end to gun crimes. It criminalizes hard-working and law-abiding citizens. It has not stopped a single crime or saved a single life. According to the CBC, it has cost over \$2 billion—money that is far better spent elsewhere.

Canadians do not want or need this boondoggle reintroduced under the guise of collecting and storing information concerning the lawful acquisition of legal firearms by law-abiding citizens.

Our government delivers on our commitments to Canadians, and this is what we have done with Bill C-19, which is now the law of the land. It is what we are continuing to do with the introduction of regulations pursuant to the Firearms Act.

● (1635)

The issue of effective firearms control is an important one—that has been debated in this country for years. All of us see the fallout from gun-related crimes in Canada. Our government is committed to protecting Canadians and ensuring that people feel safe on their own streets and in their own homes.

In this light, it is imperative that we have effective ways of dealing with gun crime. Since we were elected in 2006, our government has been committed to doing just that, to making our streets and communities safer for all Canadians. We've followed up that commitment with concrete and tangible initiatives to get tough with criminals and to help prevent crime before it happens.

I'm certain that all Canadians are concerned with preventing crime. We all want to make sure that our streets and our communities are safe. We all want to ensure that guns don't fall into the hands of criminals or are used to commit grievous crimes.

That is really what the legislation to repeal the long-gun registry is all about. It's about making sure that we continue to preserve and enhance those measures that do work to reduce crime and protect Canadians. It's also about making sure that we don't necessarily penalize millions of honest and law-abiding citizens with rules that have little effect on crime prevention or on reducing gun crime.

Bill C-19 retains the existing controls for restricted and prohibited firearms, but it eliminates the need for honest, law-abiding citizens to register their non-restricted rifles or shotguns—a requirement that has no impact on reducing gun crimes in Canada.

The regime now in place, thanks to the royal assent of Bill C-19, is one that makes sense and one that our government and many law enforcement officials believe will work to effectively protect the safety and security of law-abiding citizens. The regulations pursuant to the Firearms Act, which we have introduced, will ensure this remains the case in the future.

Thank you. I would be happy to answer any questions you might have.

The Chair: Thank you very much, Minister.

We'll now move into the first round of questioning. The first question goes to Mr. Leef, please, for seven minutes.

Mr. Ryan Leef (Yukon, CPC): Thank you, Mr. Chair. Minister, thank you very much for attending committee today. I would like to say congratulations for your steps here in closing off what I think has

been viewed by Canadians, particularly the northern Canadians I represent, and has been aptly described as a backdoor loophole to maintain a registry.

I think we were very clear with Canadians in our campaign commitments during the last election. You aptly described in your notes today that the spirit and the intention of Bill C-19 was quite clear. I think that was clear when we talked to our constituents about it. It was clear during debate. It was very clear during all the votes that took place in the House of Commons.

Now, unfortunately, we're having to go these extra steps because the spirit and the intention of what we put forward hasn't been respected.

When we look at which governments, which sides of the House, are committed to ensuring Canadians aren't needlessly turned into criminals or aren't treated in a criminal fashion, this is another example of our government being the only government with a crystal clear agenda to make sure that law-abiding Canadians aren't impacted by this kind of legislation.

I will say, with one caveat, we are the only government with a clear direction in that, but we aren't necessarily the only members of Parliament who believe the long-gun registry was wasteful, ineffective, and misguided. Members of the opposition stood and voted along with our government on that. One of the members, from Thunder Bay—Rainy River, who sits on this committee but is conspicuously missing today, voted along with the government.

Can you expand on the history of this, from an 11-year-plus message that you would have from your experience as a longer-term member of Parliament and minister, how long this has been going on for Canadians, and what this will mean to finally bring this to an end?

● (1640)

Hon. Vic Toews: Thank you, Mr. Leef, I appreciate the comments and the questions.

What I did want to say is that my involvement with this particular file goes beyond my experience as a federal MP and goes to the time when I was the Attorney General of Manitoba, where I told the federal government at the time that introduced this legislation, the long-gun registry, that Manitoba would not enforce this legislation and that if the federal government wanted the legislation enforced, it would be up to the federal government to do it.

At the time, Allan Rock, the minister who came to see me about that issue indicated that he would sue me if we didn't enforce the long-gun registry, and I said, "Fine, sue me." So we're still waiting for that lawsuit, which has not occurred yet.

I would note, of course, that in Manitoba the government that succeeded our government, the NDP, have stood very firmly against the long-gun registry. They recognize that it doesn't do anything in terms of actually preventing crime, and I appreciate their support on that particular file.

As you have pointed out, there are people on both sides of the House who recognize, and will admit publicly, that this is not a measure that was effective at all. So we are simply carrying out our promise to eliminate the long-gun registry. We did that.

What bothers me about this particular regulation though is the fact that I think it's redundant. I think the legislation is clear in itself, but many store owners and gun ranges and the like are very concerned about the CFOs—who seem to be acting on some type of authority of their own, which is not supported by the Firearms Act—and they're asking for clarity. Even though we believe it is clear enough and we believe the CFOs have no authority to make these demands to collect information that would in fact recreate the long-gun registry, we agreed that we would bring in a regulation to make it absolutely clear that under the Firearms Act a CFO has no authority to link the purchase of a firearm with the licence that these individuals have to sell these firearms.

I think it's an important step. It reaffirms our commitment in this respect. We don't want it to be ambiguous, therefore we're seeking to pass this regulation.

The Chair: You have another minute and a half, Mr. Leef.

Mr. Ryan Leef: You touched on it right there toward the end, Minister.

We've talked a lot about the need for Bill C-19 to protect individuals, hunters, and farmers who utilize long guns as tools; aboriginals and first nations people in the north who utilize them as day-to-day tools in their way of life; athletes who represent our country in sport shooting events; collectors. But you touched on, right at the very end, how the requirement to bring in this regulation is now to add further protection to retailers and to the people in that business.

Hon. Vic Toews: That's correct, because a lot of the retailers are worried about arbitrary actions by government officials. They recognize that their businesses, to a great extent, depend upon cooperation with those who are the regulators, and they don't want to be offside with the regulators even if the regulator is wrong. So this sends a very clear message, and I think would give these businesses the legal authority to stop and perhaps even initiate a legal action, if a regulator stepped out of line in terms of demands that they're making as a condition to the licence that these shops own.

• (1645)

The Chair: Thank you.

I'll move back to the opposition side.

[*Translation*]

Ms. Boivin, you have seven minutes.

Ms. Françoise Boivin (Gatineau, NDP): Thank you, Mr. Chair.

Thank you, Minister.

I didn't think I would have to come back here. After all the meetings we have held on Bill C-19, I thought this case was closed. You have presented a notice of regulation. That is a bit of a surprise because, when we were debating Bill C-19, the government, you, your committee colleagues and the people strongly in favour of abolishing and destroying the registry data were saying that there was no need to worry. You were saying that what you call the ledger was there, that the information came from businesses that sell

[*English*]

the long guns and the non-restricted arms, and not to worry, we will be able to keep track without being a long-gun registry. So what became of that phrase? Are you standing by what you said before, which is, and I'll quote you,

They can still do that through the records of the shop that sold the firearms, the importer to whom that gun was sent. In the case you're mentioning, most of those guns would probably never even have been sold in that brief period of time.

Gun shops, in fact, keep records of their sales and those records can be accessed through a warrant or other appropriate provisions.

Will that still be possible with your regulations? Will we have the information needed, in case we need to be able to go back to a store and see who sold to whom and so on, or will your regulations just wipe everything out?

Hon. Vic Toews: The regulation wipes out the registry for non-restricted firearms. That's correct. It wipes it out completely. It should have happened under C-19. However, we know that businesses still keep these records. When you go to a store and buy a computer, the store will keep a record of your sale—most stores will do that—for warranty purposes usually. As I say, you can access that kind of information with a warrant.

Ms. Françoise Boivin: You don't have details, Minister, because I can go and buy with cash, and unless I activate the warranty, they will have no information on me.

Hon. Vic Toews: That's correct.

Ms. Françoise Boivin: Is it possible there will be no information, no names, no address, no nothing on the non-restricted?

Hon. Vic Toews: That's absolutely possible, and if the province wants to make laws and regulations in that respect, it can. But there will certainly not be a federal registry that will mandate the keeping of that information.

Ms. Françoise Boivin: So when we look at section 58 of the Firearms Act, it states that:

A chief firearms officer who issues a licence, an authorization to carry or an authorization to transport may attach any reasonable condition to it that the chief firearms officer considers desirable in the particular circumstances and in the interest of the safety of the holder or any other person.

Is it your and your government's view that for a store owner to keep information, even, on a non-restricted long gun is not a reasonable condition? You associate this as criminalizing law-abiding hunters and sportsmen and collectors. Is that what we're here to understand?

Hon. Vic Toews: First, when you have a general power to issue a condition to a licence, and you know that as a lawyer yourself, the general power cannot contradict a specific provision of the law. Here it specifically indicates that you can't compel the maintenance of that type of record as a condition of licence.

• (1650)

Ms. Françoise Boivin: But the regulation does. Just to be clear, your regulations, if adopted, will wipe out section 58.

Hon. Vic Toews: Yes, I believe that C-19 does that as well. It limits what a reasonable condition can be, because the general condition that you're pointing out there cannot override a specific prohibition or a specific—

Ms. Françoise Boivin: No, that we agreed.

Hon. Vic Toews: So in that sense, a chief firearms officer can't say he's going to recreate the registry when, in fact, the actual act C-19 repeals that particular provision.

Ms. Françoise Boivin: But how do you equate recreating a gun registry when that information from ledgers was not even part of the actual gun registry when the gun registry was set up in 1995?

Because you seem to equate the fact that a gun owner would keep some information about the restricted firearm, the information about the buyer, as if it's creating some type of federal gun registry, when it doesn't.

Hon. Vic Toews: It's not the restricted. It's the non-restricted.

Ms. Françoise Boivin: That's what I'm talking about.

Hon. Vic Toews: No, you said restricted. I just wanted to make that clear.

Ms. Françoise Boivin: Non-restricted.

Hon. Vic Toews: Okay. Yes.

Ms. Françoise Boivin: That's where we have such a clear and simple answer. So you do think that it would be recreating it through a back door?

Hon. Vic Toews: Yes.

Ms. Françoise Boivin: Where is the criminal offence that used to be there with the gun registry, and so doing by your CFOs, which I've always understood was the main problem with your CSSA, who's part of your team of advisers and so on?

What was hurting at the time was that they felt criminalized. How come if I go to RadioShack and buy the computer that you talked about or even if I buy a non-restricted gun and they ask for my name, how does it make me feel as if I'm guilty of something? It's just keeping a record. Doesn't it make sense with guns?

Hon. Vic Toews: That's the difference between socialist and free enterprise people. You simply don't understand how that stigmatizes the legitimate ownership of a firearm where there is no bona fide reason to keep that record, and so all we're saying—

Ms. Françoise Boivin: For a car that I buy I should feel as a socialist that—

Hon. Vic Toews: All I'm pointing out is that there is a fundamental difference between the way you and I perceive property. You don't believe that anyone owns anything. The state owns it. As a socialist, that's what you believe.

Ms. Françoise Boivin: Don't put words in my mouth. I've never said that, but I do believe that it's nice to keep records of certain things.

The Chair: Okay. Our time—

Hon. Vic Toews: In any event, there is a fundamental difference between the way you and I view property.

Ms. Françoise Boivin: When you have nothing to say, you go back to the socialists.

Hon. Vic Toews: Let me finish.

The Chair: Very quickly, we are over time here.

Hon. Vic Toews: All I'm saying is that when you go to someone and say, if you don't keep that record we're pulling your licence, we're pulling your business, you, as a socialist, say, it's just a business.

Ms. Françoise Boivin: And your car?

Hon. Vic Toews: We believe that is fundamental to the integrity of the person.

Ms. Françoise Boivin: And your car?

The Chair: Thank you.

We're going to go back now to Madam Hoepfner, please, for seven minutes.

Ms. Candice Hoepfner: Thank you very much, Mr. Chair.

Thank you, Minister. I want to give you an opportunity to just finish your explanation because you're right. In the NDP maybe some of them don't consider themselves socialists, maybe they even go further. Some of them consider themselves communists.

An hon. member: Oh, come on.

Ms. Candice Hoepfner: I think one of yours is a member, or was a member, of the Communist Party.

An hon. member: Come on.

Mr. Jean Rousseau (Compton—Stanstead, NDP): On a point of order, being associated with communists has no relevance over here, absolutely no—

The Chair: Okay, let's rephrase. I'll take that as a point of order.

Ms. Candice Hoepfner: Okay, that's on the record, fine. That's fine.

The Chair: Madam Hoepfner, continue and be careful.

Ms. Candice Hoepfner: Thank you.

Mr. Minister, I think what we're saying though is that there is a big difference between RadioShack deciding not to keep records of computer sales, and they do not then have their licence pulled, and they are not able to sell computers anymore because the federal government has regulated that. That is the difference, and that is what the NDP, who are very intelligent people, don't seem to understand. What these regulations are changing is the requirement, or the ability, for the federal government to force store owners to keep records at the peril of losing their licences. They are certainly free to keep records.

Is that correct, Mr. Minister? They can keep records if they—

Hon. Vic Toews: That's correct. They can keep records as they see fit.

Ms. Candice Hoepfner: Minister, when it came to our attention that CFOs, particularly in Ontario.... And it looks like the provincial Liberal government is certainly wanting to recreate a backdoor registry. When it came to your attention that the CFO there was trying to do this, what was your reaction? I know you mentioned the letter that you wrote. Can you tell us as well what the reaction of the Commissioner of the RCMP was and what those steps were, and I guess, why they brought us to the point that we're at right now?

•(1655)

Hon. Vic Toews: I think the commissioner understood very clearly the intention of the legislation, and it's not the commissioner's role to determine policy. That's the role that we as parliamentarians have, and we bring various points of view to Parliament in order to pass that legislation.

Some of the CFOs are under more direct provincial control. Some are under federal control, such as in Manitoba where I said we wouldn't enforce the Firearms Act on the registry, and they then had to appoint a federal CFO as opposed to a provincial one.

What was quite astounding was that in the clear face of the spirit of the legislation, CFOs essentially said they were not going to respect that. They were going to demand the same information through a different vehicle, by attaching conditions to a licence, jeopardizing people's livelihood. It was quite astounding that a government regulator in the face of the legislation would say this is not what they were going to do. They were going to accomplish the same end through a different means. That's disrespectful of Parliament.

I think the commissioner saw that very clearly, and he issued a letter to all serving CFOs across Canada telling them they didn't have the authority to make the keeping of anything resembling the long-gun registry a condition of a gun shop's business licence.

As I indicated earlier to the NDP member, a general power to attach conditions to a licence cannot grant authority to specifically fly in the face of a specific legislative provision. I think that's what is very troubling about this particular case.

Even though I believe the regulation is redundant, I think it does give, not only additional clarity to the intent of the law, but the right for business shop owners to stand up when a CFO comes into their shop and say, "Look, I have this regulation here. This is what it says, and what you're telling me is directly contradicting this regulation." It provides that business owner with a measure of protection.

As I've said, if the business wants to keep that information for its own purpose, whether it's a warranty purpose or tax purposes or whatever purposes, that's their business. If a province wants to regulate that business, they can bring forward legislation or appropriate regulations to require the keeping of that information. That's the business of the province. But they can't go on the back of the Firearms Act, which clearly prohibits the collecting of that information. It cannot be used.

The federal Firearms Act is criminal legislation. This gets back to the point here. In fact, it's a criminal statute. If a province wants to regulate it as property and civil rights, they can do that under section 92 of the Constitution Act and deal with it in that way.

Ms. Candice Hoepfner: I have a very quick follow-up. Were some CFOs in other jurisdictions complying with the spirit and letter of C-19? How has it been across the country?

Hon. Vic Toews: It's scattered. I think it's mixed. For example, in Manitoba I've heard that CFOs have been going to business shop owners and demanding certain types of information that would appear to be inconsistent with the law.

In New Brunswick, they made it very clear that they're not to collect that information. I believe Alberta is the same.

•(1700)

Ms. Candice Hoepfner: Thank you very much.

The Chair: Thank you.

We'll now move to Mr. Scarpaleggia, please, for seven minutes.

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Thank you, Chair. Thank God there's middle ground between socialist and conservative.

You answered one of the questions I was going to ask, which is that a province could require that these records be kept and that they be available to the police.

Hon. Vic Toews: Well, it would have to be pursuant to some type of lawful production order. In a regulatory statute, you could have some kind of a production order in the same way that workplace safety and health officers would have access to certain types of information. But there would have to be lawful access authority in that type of a provincial statute.

I would think that if the material were in a private dwelling, a provincial lawful access provision wouldn't be sufficient. It would have to still be some type of a warrant to allow access into a dwelling.

Mr. Francis Scarpaleggia: It seems to me that at one point there was some controversy surrounding health and safety legislation—was that it?—whereby... Correct me if I'm wrong, because you know how it is in this place, in that we tend to focus on our portfolios, more or less. But there was some controversy around provisions of product safety legislation that gave the state, really, the power—in the extreme case—to access someone's home without a warrant, I think, to take something off a shelf that might be a dangerous product.

If I'm not mistaken, the government didn't really back down on that. Did it?

Hon. Vic Toews: I can't remember the specific case, but there has been a lot of discussion by the Supreme Court on that issue. It goes back to the definition in the charter's section 8: to be safe "against unreasonable search and seizure".

So what is "unreasonable"? If it's a regulatory scheme as opposed to a criminal scheme, then different access rules apply.

Mr. Francis Scarpaleggia: So I guess even if it is regulatory under the harmful products act, just the fact that somebody can come into my home, if I'm running a business in my home, on the basis of a suspicion that the product I'm selling is not safe...that's a fairly serious infringement. Now, maybe it's reasonably justified, but here's what I'm trying to get at. Yes, I understand that gun-shop owners don't want to feel intimidated. I understand that, but we're not dealing with an innocuous product here; this is a... I understand that 99% of gun owners, long-gun owners, are law-abiding citizens. I know many myself, and I've said in the House that they're the pillars of the community.

On the other hand, we're not dealing with an innocuous product. It's something that could be misused. My understanding was that the green book was a way of encouraging or even requiring a gun-shop owner to check if the purchaser of the gun has a valid licence, because I think they have to enter that information. Now, the law requires that someone be sure that the buyer has a licence before they can sell them a gun. But what you're doing, it seems to me, is that you're making it more likely that somebody won't check if there's a licence.

I'll give you an example. In the United States, you cannot sell a gun to somebody who is not lawfully entitled to own one, so you would think that a seller would verify that the person has a licence before selling to them. But an investigative reporter did a story wherein he posed as someone who wanted to buy a gun over the phone or on the Internet and sort of hinted to the seller that he didn't have a licence. What he said to the seller was, "Look, I'm just telling you, you wouldn't want to necessarily sell me a gun if you knew...". The seller went ahead and sold anyway.

So I'm just a little concerned that there are some retailers.... And I'm not impugning all retailers, but we know there are retailers who sell to underage kids. Some retailers might say that they're not really going to check whether that person has a licence or not, and by getting rid of the green book you're essentially making it easier for them to get away with that. I think that's a concern. That's a valid concern. That has to be weighed against the desire to not have retailers feel intimidated by the state.

I think that's a valid concern and I'd like your comment on that.

• (1705)

Hon. Vic Toews: Well, I think what we did was balance the concern about what should be registered and what should not be registered by the difference between a handgun and a shotgun or a rifle. We've also looked at what the power of the federal state is in terms of interfering in this particular business, and basically we've decided that this is more appropriately a matter of property and civil rights in the province, rather than a matter of criminal law.

So as I say, if the province wishes to regulate that—and they could recreate that ledger exactly as you've indicated—they can do that. But it's essentially a regulation of property and civil rights.

Mr. Francis Scarpaleggia: Here's my next point, which is related. We heard from many front-line police officers who came to this committee. We know there are some who are adamantly opposed to the registry. We know their associations didn't agree with them, but we met some who were adamantly opposed to the registry. I didn't hear any of them say they were adamantly opposed to a green binder. So I don't know that there's really pressure out there, from even those who oppose the registry, for getting rid of the green binder.

We also know that the green binder helps the state. It helps police officers across this country locate and identify a criminal—not a law-abiding citizen who's never done anything wrong and just wants to own a shotgun, but somebody who's suspected of committing a crime, such as Marc Lépine. It allows them to find out who bought that gun.

I don't know why we're not supporting our police officers at this very minimal, almost innocuous level. I just don't understand why we're washing our hands of it and saying, well, this is really a matter for civil and property law.

The Chair: That's time, Mr. Scarpaleggia.

Very quickly, please.

Hon. Vic Toews: Let me just answer that.

If we make that a requirement, then it's a requirement under criminal legislation.

Mr. Francis Scarpaleggia: So be it.

Hon. Vic Toews: But that's the difference; then it is a criminal offence not to do that. That's why it's more appropriate in the context of property and civil rights.

The Chair: Thank you, Minister.

We'll now move back to the opposition, to Madame Boivin.

Ms. Françoise Boivin: I find that last comment interesting, because now I feel like you're shifting your interest in the sense that all through Bill C-19 it was about the hunters, the good law-abiding hunters, about the sportsmen, about the collectors. Now I feel that where you're going is that you're now the protector of the gun shops, which, we can agree, is a totally different situation, because if the onus to keep the ledger.... It's not an infraction on the person who buys; it's an infraction on the gun-shop owner, who is not asking or keeping.

Where I have a hard time following your government's position on this is that even those who were your advisers—and am I mistaken when I say—like Mr. Bernardo, who was super happy the day you filed those regulations? He has said throughout, through all the meetings he went through all the years, through all shape and form of the different types of bills you presented.... He said, "That green book has been the status quo for at least 30 years."

I mean, it's a long time that the green book has been there. It's still there now, to this day. Even with the registration, merchants still have to do that. They have to maintain that book.

And even in front of the Senate standing committee:

Remember that all businesses are required to keep records mandated by the chief firearms office of the province that they live in. To remove the record from this registry does not remove their obligation to keep business records. Business records are mandated by the chief firearms office in the issuance of a business permit.

As well, "The RCMP only runs part of the program." And I could go on and on.

Gun-shop owners have been highlighting the importance of the ledger. Brad Thomas, owner of Lake Huron Rod and Gun, talked to the *Owen Sound Sun Times*:

"You talk to any gun store, they are happy with the ledger," said Thomas. "I don't want this ledger to go away and I don't know too many businesses that would."

In a sense, as my colleague previous was just saying, it's kind of a protection on the gun-shop owner. If there's something happening with some long gun, some non-restricted gun, wouldn't you prefer to be on the safe side? And that we had, because all your...

•(1710)

[Translation]

Despite all your arguments for abolishing the gun registry—you said it would not have protected a single life, since someone with a gun would have committed murder anyway—this registry has still had a positive impact. We have seen evidence of that here in the committee. We have learned that, in an investigative context—after the fact—the registry has been useful.

The registry no longer exists, but at least, certain information on guns sold is kept, even if those are non-restricted guns.

[English]

The Chair: Thank you.

Minister.

Hon. Vic Toews: First of all, if businesses want to keep the record, they can. There's no question about that. They can. And if you say the majority of businesses will continue to keep that because they think it's a good practice, they can.

But what we also know is that your party has committed to bringing back the long-gun registry. You have committed to bringing back the long-gun registry.

Ms. Françoise Boivin: No, we haven't.

Hon. Vic Toews: We see this as an attempt by your party, should they ever be in a position to influence the Parliament so as to bring the gun registry back...you will do that. So we're not going to put this up for you in order to allow you to do that.

Ms. Françoise Boivin: Do you agree, though, that the ledger never was used to create the gun registry? That was not what was used for the gun registry. Every witness has said so. How come keeping these things would recreate the gun registry?

And to correct the minister, officially, our party never said that we would recreate a gun registry. I don't know where you take that. I can say it right here, right now.

Hon. Vic Toews: Well, I've heard it on the news. It has been reported, but I know—

Ms. Françoise Boivin: Well, Minister, read better.

Hon. Vic Toews: I know that media is never accurate—

Ms. Françoise Boivin: Read better.

Hon. Vic Toews: —but I haven't....

Ms. Françoise Boivin: Anyway—

Hon. Vic Toews: It leads me also to believe that it'd be curious—

Ms. Françoise Boivin: Anyway, answer the question.

The Chair: Let him answer the question, then, Ms. Boivin.

Hon. Vic Toews: It would be curious, given the sanctions you've made against members who have voted against keeping the long-gun registry. The sanctions you placed only indicate one thing to me: that you are in fact.... The reports I have read that you are going to bring back the long-gun registry are very clear.

The Chair: All right—

Ms. Françoise Boivin: Voting against something is one thing, Minister. Voting to get another one started from scratch is another thing. So we won't fabulate there.

The Chair: Madam—

Ms. Françoise Boivin: My time is up...?

The Chair: Yes, your time is up. Thank you, Madam Boivin.

Now—

Ms. Candice Hooppner: Can I have one moment of Mr. Aspin's time? Then I'll turn it over to Mr. Aspin.

The Chair: Okay.

Ms. Hooppner, please.

Ms. Candice Hooppner: Thank you very much.

Thank you, Mr. Aspin, for giving me a moment.

I just wanted to clarify the reason that I mentioned communists as being part of the NDP party is that Mathieu Ravignat ran for the... [Inaudible—Editor]...Communist Party—

Ms. Françoise Boivin: Point of order; that's not even in order with the meeting—

Ms. Candice Hooppner: Thank you very much, Mr. Aspin.

The Chair: Mr. Aspin, please.

Mr. Jay Aspin (Nipissing—Timiskaming, CPC): I would just like to say that, on the record, Thomas Mulcair came out and said that he would bring the registry back, so I don't know what we're hearing right now.

At any rate, I'd just like to say that there are a lot of socialists, a lot of free enterprisers, and a lot of communists in northern Ontario, but they're all united on one thing, Mr. Minister. This is the most popular legislation—and I'm speaking about Bill C-19—that probably was ever passed for the residents of northern Ontario, so on behalf of the residents of northern Ontario, thank you very much for leading that legislation.

We know as well that there's a lot of pushback on this. The Ontario premier has not been exactly cooperative. Would it be accurate to say that actions such as these of the CFOs like Mr. Wyatt forced you, really, to act on behalf of law-abiding Canadian gun owners in terms of further regulations introduced?

Hon. Vic Toews: Well, absolutely. That's the only reason I'm here today given the very blatant refusal by the CFO in Ontario to respect the impact of Bill C-19. I guess there are a number of ways of handling it. You could take a court action to clarify that. You can pass a regulation to clarify it. We've chosen the regulatory measure.

Mr. Jay Aspin: As well, Mr. Minister, law-abiding gun owners are quite worried that the data in these paper records will eventually be used to confiscate their firearms. Can you ensure the committee that these changes you brought forward in terms of the regulations will ensure that these records that CFOs have produced for gun-shop owners to keep will not be used against law-abiding Canadians in the future?

• (1715)

Hon. Vic Toews: Well, what I can say is that we will not mandate the creation of a registry. Whether you call it a green book, whether you call it paper, or whether the gun shop keeps it in a computer makes no difference to me—what you're doing is creating a registry. So what we're saying is that there is no authority under the federal legislation to do that, and we've made that very clear in order to ensure that we are carrying out the promise we made to the people of your riding, and indeed, ridings like mine, where the long-gun registry was a huge thorn in the side of very ordinary citizens.

Might I just make this one point? One of the things I've heard police say about the registry is that it's the indirect impact of the registry that caused a lot of problems. For the very farmers, hunters, and sport shooters who as a general rule are very supportive of the police, the registry created a rift. So instead of having those individuals as partners in fighting crime, those individuals began to see the police as the other side.

That was one of the most significant aspects of the damage that the long-gun registry did. Basically, the old Liberal government said that “if you don't register this, you're a criminal”, and people resented that very much. It alienated them from the police, and that was very unfortunate.

Mr. Jay Aspin: As I have said, Thomas Mulcair, the leader of the NDP, has publicly stated that if elected as Prime Minister he would definitely bring back the gun registry.

Hon. Vic Toews: That's my understanding as well, but I could be corrected by other media reports.

Mr. Jay Aspin: Would you say that our government is the only government standing up for law-abiding Canadian firearms owners at this point?

Hon. Vic Toews: Well, I certainly would say that.

You know, I've heard Liberals and New Democrats say they'll create a registry that isn't a criminal registry. What they don't tell you, then, is that it would be unconstitutional, because the only basis

The Chair: Mr. Norlock, on a point of order.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): On a point of order, Mr. Chair, there seems to be a disagreement on both sides as to the veracity of whether or not the leader of Her Majesty's official opposition....

Mr. Randall Garrison: That's not a point of order.

Mr. Rick Norlock: I can provide, should the chair wish, a direct quote.

The Chair: No, I think we'll just let it ride for now. We don't want to dwell on that while we have the minister.

Mr. Rick Norlock: Okay.

The Chair: If you very quickly want to finish your comment, you're about ten seconds over now.

Hon. Vic Toews: I'll leave it at that.

The Chair: All right.

We'll move back to Mr. Garrison, please.

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Thank you much, Mr. Chair.

Thank you to the minister for being here.

Rather than talking about the past or the future, I'd like to talk about what's before us today—namely, the regulations dealing with records of sale.

I want to go back through this with you. To me, the records of sale pre-existed the registry. They weren't used to create the registry. They're kept routinely by gun shops. They're not in any electronic form so that they could be searched. They're accessible only by warrant.

If this regulation goes ahead, aren't you really creating a big hole in the only potential source of information we have about non-restricted weapons that might be used in gun crimes?

Hon. Vic Toews: No. I don't agree with that at all. If shop owners are keeping records, those records are accessible by warrant and not by a bureaucrat exercising that type of unilateral power to not only go into businesses; they could also, under the Firearms Act, go into homes, which is quite disturbing.

Mr. Randall Garrison: I'm talking about the records of sale. I'm not talking about the pre-existing registry.

To me, I see a scenario where there's a crime committed with a non-registered weapon. The manufacturer might say, well, that gun was shipped to this gun shop, and the gun shop owner says, “I love the minister. He told me I didn't have to keep these records, so we don't have them”.

What do you say to the police and prosecutors who are trying to prosecute that crime? What do you say to the victims of that crime? Is it, “Oh, we decided that wasn't essential information and people didn't have to keep it”?

Hon. Vic Toews: I'm not going to speculate on what happens in an investigation, but I can assure you that's not how these crimes are investigated.

Mr. Randall Garrison: It certainly won't be possible if this regulation goes forward.

I guess I would ask you, then, did you consult with the police, perhaps the Canadian Association of Chiefs of Police, or with prosecutors about the implications of this regulation before putting it forward?

• (1720)

Hon. Vic Toews: We consulted extensively with all types of people. Eventually you make a decision that may not make one group happy but may make another group happy, or you might arrive at a compromise.

One thing we have done, instead of focusing on criminalizing long-gun owners, is to say that if you actually use a firearm in the course of a crime, there will be a mandatory minimum prison sentence. I believe that incapacitation of an individual who actually uses a firearm by imprisoning that individual is really the effective tool of ensuring that individuals do not utilize firearms.

Mr. Randall Garrison: Would you be willing, Mr. Minister, to give us a list of those people who were consulted specifically about this regulation? As a committee member, I guess I'd like to hear from people like prosecutors and police, or to know very specifically what they had to say about the implications for investigating and prosecuting crimes if this regulation goes forward.

Hon. Vic Toews: I can assure you that my colleague Ms. Hooppner has done extensive consultations. I'm sure she'd be happy to share that with you. I've—

Mr. Randall Garrison: On this change of regulation.

Hon. Vic Toews: On this change of regulation?

Mr. Randall Garrison: Yes.

Hon. Vic Toews: Oh. I thought it was Bill C-19.

Mr. Randall Garrison: No, I'm just talking about what's before us today.

Hon. Vic Toews: On this, we've basically discussed what the process would be. How do we give effect to Bill C-19? This isn't a substantive change in any way. This is simply giving effect to or reinforcing the policy decision that we extensively consulted on.

Mr. Randall Garrison: I have one more concern with this. If there's a shop that doesn't have to keep any records of these sales, are you not concerned about creating an incentive for organized crime to deal with specific gun shops that will keep no records, then, of the sales to organized crime figures?

Hon. Vic Toews: No, that doesn't concern me. I don't think that's the way these businesses operate, nor would organized crime proceed in that fashion.

Mr. Randall Garrison: What would stop them from doing so if this regulation went forward? A store that has an interest in maximizing its profits on the sale of a piece of private property, as you call it, could do a lot of business with people who don't want records kept, in comparison to other gun shops.

Hon. Vic Toews: They wouldn't have to do that. They'd simply do as they are doing now—smuggle them in from the United States, which is what we are concerned about.

Mr. Randall Garrison: Smuggling would certainly be more difficult than going to your local gun shop to purchase them.

Hon. Vic Toews: Anyway, there are many ways that criminals operate. Even with the registry, you can simply sell the gun to someone and the gun disappears.

Criminals do not bother about the paperwork. If they want to get a firearm, they're not going to go to a licensed gun shop and buy it and then commit a murder, especially not organized crime members.

Mr. Randall Garrison: Can I just say, though, that if we get another round, I'd like to ask the minister what other changes he's planning on gun control, then, based on this private property interpretation?

The Chair: Thank you.

We aren't discussing further policy coming down the road. We're discussing the regulations today.

We'll go back to the government side.

Ms. Hooppner, did you want...?

Ms. Candice Hooppner: I'll just start, and then I'm going to share my time with Mr. Norlock.

I just wanted to answer and confirm what Minister Toews said. Indeed, we have consulted with all the stakeholders in regard to ending the requirements for businesses and individuals to register long guns. These regulations bring into force what we have already discussed, what my colleagues and I have discussed with stakeholders, which was very clear: ending those requirements for businesses and individuals to register long guns.

Ms. Françoise Boivin: Do you have a list of these stakeholders?

Ms. Candice Hooppner: I'd be happy to talk to my colleague about that. Sure.

The Chair: Thank you.

Mr. Norlock.

Mr. Rick Norlock: Thank you, Mr. Chair.

Just for the edification of my constituents, who may be watching this if it's televised or may read it in the blues, I will quote an iPolitics interview with Mr. Mulcair on April 12, 2012: "I will work to register firearms. The public and the police have a right to be protected.... It is a monumental error". And he goes on to talk about....

So there is some accuracy to that statement.

Also, for the edification—

Hon. Vic Toews: There is accuracy to the statement that the NDP would—

Mr. Rick Norlock: To the statement that he would bring back the registry.

Also, my constituents—and I have spoken to some—who have spoken to firearms sellers were told by the chief provincial firearms officer that they would be asked, from time to time, to forward those records to them for their own purposes. Indeed, the government brought in that regulation because it was going to be used as a backdoor registry. I got that personally from people who actually are wholesalers to businesses that sell firearms.

My constituents would also be keenly interested in knowing the minister's estimate of the cost of a new registry in this modern day and age, if we were no longer the government and the official opposition were the government, seeing as Public Safety did have oversight of the firearms registry.

● (1725)

Hon. Vic Toews: You know, I wouldn't even attempt to guess that. I remember when, of course, Allan Rock brought forward the long-gun registry, and he said it would be a net of \$2 million. That ballooned. You have estimates from \$1 billion to the CBC's estimate of \$2 billion. I don't know who's right on that, but certainly it's north of \$1 billion.

People have said to me, well, by just simply getting rid of it, aren't you wasting an asset that's worth \$2 billion? In fact, just because you pay \$2 billion for something doesn't mean it's worth a dime. This is truly the case with the long-gun registry. It is so out of date. It is so full of errors. There isn't, to my knowledge, a police officer in Canada who would, on the basis of the registry, say, "I'm going to go through that door. The registry says there are no guns in this house, so therefore I don't have to worry about a gun." There is a not a police officer in Canada who would be foolish enough to think that.

In terms of real security, the best security is good training of police officers on the ground to deal effectively with these criminals who, in fact, use guns against their fellow citizens.

Mr. Rick Norlock: So as a point of clarification, Minister, what you're saying is that you, representing the Government of Canada, making this regulation, are not prohibiting anyone from keeping records. Would I be correct in telling my constituents that all this regulation does is to protect the previous legislation that did away with the firearms legislation and protect the vendors of firearms from being pressured into having another government, be it provincial, or it could be municipal, from bringing in a type of firearm registry?

I mentioned municipal, Minister, because the City of Toronto is now talking about some prohibitions for firearms, etc.

Hon. Vic Toews: Well, look, if we're getting back to the cost, obviously in a province like Ontario the cost would be staggering in terms of recreating a long-gun registry.

I think if Ontario is really concerned about cracking down on crime, then police officers, and stronger laws, in certain respects, as we have given them.... The reverse onus on bail, for example, for those who use firearms in the course of a robbery is I think a very effective tool. It's a very subtle tool but a very effective tool. Police in Vancouver are telling me now that criminals simply don't go out carrying a gun just for show. When they carry a gun, it's for a specific purpose.

Now, that's not good either, but the point is that we reduced the number of people actually carrying guns out on the street because they fear that if they're caught with guns, they won't get bail. And if they don't get bail, they can't go about their drug and other racketeering.

The Chair: Thank you very much.

I just have one little statement here. I've been elected five times as a member of Parliament, and this has been, to my constituents, a major issue. My riding very clearly wanted to see the end of the long-gun registry.

This week I was approached by an individual who came up to me and showed me his firearms acquisition licence. He showed it with a great deal of pride. When he brought it up to me, I looked at it and wondered why he was showing it to me. Was there an error on it? Did he have to get it renewed? I didn't know what it was.

Really, he came up and showed it to me because he was proud that he had gone through the process of receiving a licence. He'd had a criminal check done and he'd had a safety course. He'd gone through this and he was now licensed to have it. But he was very pleased that there was no registry. He even asked that we thank the government and thank you specifically for that.

Mr. Minister, thank you for appearing here.

Ms. Hoepfner has her hand in the air.

Go ahead.

• (1730)

Ms. Candice Hoepfner: Thank you very much, Mr. Chair.

I move that the committee report the regulations back to the House, as per section 118 of the Firearms Act.

The Chair: All right.

So we do have a mover on—

Ms. Françoise Boivin: Isn't it already past...?

The Chair: Pardon me?

Ms. Françoise Boivin: Isn't it 5:31 already?

Yes, it is.

An hon. member: We're not adjourned.

The Chair: It's 5:30—

Ms. Françoise Boivin: But anyway....

The Chair: —so I will accept that.

We had mentioned that this was deemed reported back if we didn't...and if we didn't do that, so we will accept that motion.

Any debate, or all in favour of that motion?

Ms. Françoise Boivin: Just a second, please, if you don't mind.

The Chair: Go ahead.

Ms. Françoise Boivin: I see that you're quick. You're as quick as a firearm.

I just have an amendment, if possible. I would amend...because I do think that the minister, solely, is not enough. The parliamentary secretary talked about having discussed with stakeholders, and I would love to see who was consulted before they presented those regulations.

I do think there is a need, just to be on the safe side. I cannot believe that the government wants to wipe out a big, important factor for gun shops without hearing at least from the police association, or anybody from the CFOs, to see exactly what's happening. I don't think it's very prudent or wise or even "sane", in some aspects.

I'm sorry for the word. It's not the word I'm looking for in English. [Translation]

It is not very wise or reasonable. We can have another meeting to talk to a few other witnesses or have the list before we can make a decision.

[English]

The Chair: Very quickly, Mr. Rathgeber.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): I'm not sure if my friend is proposing an amendment to Ms. Hoepfner's motion, but if she is, I'm going to vote against it. We're not here to re-debate Bill C-19. We're here to assess the regulations.

The legislation empowers the minister to pass regulations, and if that is, in fact, an amendment to Ms. Hoepfner's motion, I'll be voting against the amendment but in favour of the motion.

The Chair: All right. All in favour of the motion simply to have this reported?

Some hon. members: Agreed.

(Motion agreed to)

The Chair: Before we adjourn, I want to wish all of you a very good summer. I encourage you to be around your constituents, and to be safe, and certainly to come back prepared to work again in the fall.

The meeting is adjourned.

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